

# THE CASE FOR AFFIRMATIVE ACTION FROM ONE WHO HAS BEEN THERE

## HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 1995

Mr. TORRES. Mr. Speaker, I would like to take this opportunity to place in the CONGRESSIONAL RECORD an article that was sent to me by Harriet Blair of Montebello, CA.

Harriet Blair has been involved in community affairs in southern California for many years and knows the valuable role affirmative action has played in our society.

She has asked me to share with my colleagues an open letter written by Prof. Dave Malcolm to the five Supreme Court Justices who voted to place serious limitations on affirmative action. I believe Mr. Malcolm's open letter on the subject of affirmative action should be given strong consideration by my colleagues in the House of Representatives, and I am happy to place it in the RECORD at this time.

### AN OPEN LETTER TO FIVE JUSTICES

GENTLEPERSONS: On Monday, June 12, 1995, at 10:50 a.m. I left the office of my cardiologist having just been informed that my aortic valve implant was "leaking" and that replacement surgery would be required sometime within the next three to six months.

At 10:55 a.m., same date, I heard on the radio in my car about two new Supreme Court 5-4 decisions, each apparently placing serious additional limitations on programs of affirmative action. I drove homeward, feeling sick at heart—not from feelings of anxiety about my imminent open-heart surgery but from feelings of dismay at the direction in which my country seems to be moving, especially in regard to affirmative action.

You see, I know a lot about Affirmative Action. I count myself an expert on the subject. After all, I have benefited from it all my life. That is because I am white, I am male, I am Anglo and I am Protestant. We male WASPs have had a great informal affirmative action program going for decades, maybe centuries. I'm not speaking only of the way our "old boy networks" help people like me get into the right colleges or get jobs or get promotions. That's only the surface. Underneath, our real affirmative action is much more than this, much more than just a few direct interventions at key moments in life. The real affirmative action is also indirect and at work twenty-four hours a day, seven days a week, year in and year out. Because it is informal and indirect, we tend to forget or deny just how all-important and all-pervasive it really is.

However, far be it from me to put the direct "old boy" surface stuff down. I was admitted without difficulty to the ivy league college my father had attended. This was back in the days when the only quotas were quotas to keep certain people out, not to help them get in. There were no limits on reasonably bright kids like me—the admissions people spoke of the children of alumni as "legacies", but whether this was because the college was inheriting us as students or because the college hoped to inherit money from our families, I was never quite sure. I got a teaching job right out of college in the heart of the depression—my father was a school superintendent well liked among his colleagues. After World War II, when I became a university professor, I received promotion and tenure in minimum time, more

quickly than many of my women colleagues. Of course, the decision makers knew me better—I was part of the monthly poker group and played golf every Friday afternoon. Yes, direct affirmative action, direct preferential treatment because of my gender and my color and good connections has been good to me, there is no question about that.

But, like other white males, I have benefited less obviously but far more significantly from indirect unequal or preferential treatment based on color or gender or nationality or religion or some combination thereof. This indirect aspect of informal affirmative action is subtler and less visible even though it is the really big one and it begins practically from birth. Indirect affirmative action is at work to greater or lesser degree on behalf of virtually all white males, whether one is aware of it or not. Indirect affirmative action is what didn't happen to me, the destructive, painful stuff that I didn't have to endure that so many other folks did. Real early in life I knew that boys were more important than girls—and so did the girls. I never have had to endure the pain of having any of my kids come home crying and asking "Daddy, why can't I be white?" Only quite late in my life did I discover how frequently young black or brown parents have to live with this pain.

I never have had to worry about whether my skin color was light enough or dark enough. My only concern about my skin has been not to get too badly sunburned the first hot day each summer and not to get skin cancer from too much exposure. For two of my long-time colleagues and closest personal friends, it has been a very different story. Raymond was the lightest skinned member of his family. He recalls that he was the only one who could get his hair cut down town—but the family had to drop him off a block away from the barber shop. He once told me that he had probably spent more time worrying about his light skin than any other one thing in life. Would his fellow African-Americans think he was black enough? When whites thought he was East Indian or South American, should he let them think so? Maria had the opposite problem. As a child, she was called "la prieta" ("the little dark one"). Even though she knew the diminutive was a mark of affection, she still was aware that the label was no compliment. When she became a young woman, well-meaning whites told her "You don't look Mexican", meaning that she looked more Spanish and hence almost white. The message always hurt deeply—not simply because the speakers personally so clearly believed that there was something inferior about being Mexican but also because they had unhesitatingly assumed that she did too and hence would consider such a statement to be a compliment.

I never have had to endure "what-is-he-doing-here?" looks any time I walked along a residential street in a suburban area. I have not had to notice white women clutching their purses more tightly when they meet me walking along the street. I never have seen the "For Rent" or "For Sale" signs figuratively snatched out of the window as I walked up to the front door. I cannot even begin to imagine the barrage of insults, large and small, that send a five- or six-year-old running tearfully home to ask Mommy or Daddy "Why can't I be white?"

Out of the dozens of times I have crossed the border from Tijuana to San Diego, the one time I was pulled over to have my car inspected was when returning with Raymond and another African-American male as passengers. I was furious, but they restrained me—assuring me it was no big deal, that it happened to them all the time. That day I got some small sense of the rage and fury

and helplessness and frustration that persons different from me experience daily and are forced to smother, to hold bottled up churning around furiously somewhere deep inside.

I have never been so bombarded by negative messages that I began to internalize them, to half-way suspect they might in part be true. I have never had to try to participate in class, all the while holding my anger tightly inside lest it explode. As a professional person, I've never had to carry the burden of knowing that the slightest mispronunciation or grammatical error on my part will be seized upon by some people as validation of their negative stereotypes, not only about me but also about my people. But entire populations of my potential competitors have labored and still are laboring under disadvantages of this very sort as they compete with me. This is white male "affirmative action" at its most effective—the flip side of destructive life-long bombardment by negative messages. [White women benefit at the expense of their darker-skinned sisters from the very same processes that put them at disadvantage compared to white males!]

Yes, affirmative action for some folks remains alive and well and unthreatened by court decisions. I ought to know. All my life I have been an indirect beneficiary because indirect affirmative action has been so effective at crippling or eliminating so many of those who might have been my competitors. As a white male, I never have had to compete with them on a level playing field.

The promise of the American dream is a society which is color-fair, not color-blind. Formal affirmative action programs play a dual role. They make the playing fields a bit more level and they remind us that we still have far to go. It is no solution for society to trash its current formal efforts to make opportunity a little more equal as long as so many powerful informal barriers to equality of opportunity still persist.

Think about it.

DAVE MALCOLM,  
San Diego, California.

## TRIBUTE TO THE LATE CELIA HARE MARTIN

### HON. E de la GARZA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 1995

Mr. DE LA GARZA. Mr. Speaker, this past weekend my longtime previous administrative assistant, Celia Hare Martin, passed away. I was deeply saddened to hear this news as I know those of you who knew Celia will be too.

In a city where this word is all too loosely used, Celia Hare Martin was an institution. For over 40 years she helped to grease the wheels here in Congress and to make things run smoothly and more efficiently.

She first came to Congress in 1948 when she was employed by then Congressman Lloyd Bentsen, Jr. as his secretary—the top staff position at that time. When Lloyd Bentsen retired, she stayed on with his successor, Joe M. Kilgore, in that same position. When I was elected and came to Congress in January of 1965 I was fortunate to inherit her as my administrative assistant. She worked here when former President Gerald Ford was a neighbor just down the hall, and when an energetic young Congressman named Jack Kennedy greeted her in passing each day. These were the days when dictaphones and typewriters were hi-tech. They were very special times.